

Application No.: 09/976989

Docket No.: 29248/AP01949

REMARKS

This is in response to the Office action mailed April 30, 2003 rejecting claims 1-39 pending in the application. Applicants herewith petition for a two-month extension of time to file this response. The period of response thereby being set to expire September 30, 2003. Reconsideration and allowance of the application is requested.

The invention of the instant application is directed to a method and apparatus of assessing driver performance toward the goal of improving driver performance. Once a modest driver training course, if required by the local jurisdiction, and a very brief proficiency exam, required by most jurisdictions, are passed, the new driver rarely receives any feedback relating to performance in operating a vehicle against known good practices. Nor does the new driver receive feedback relating to past driving performance so as to allow the new driver to assess whether improvement is being made or skills are deteriorating. After driving for many years, drivers may develop habits, good or bad, and similarly there are no mechanisms for providing the driver feedback relative to breaking bad habits or establishing good habits. Relicensing may require only passing vision and written examinations, and may only require examinations at 4-8 year periods. Thus, a driver's skills may never again be tested once the initial driving test is passed.

The instant invention provides a method and apparatus that assess a driver's performance relative to known good practices, past performance and/or habits in order to generate an assessment usable to help improve driver performance. The driver, via the performance assessment, may be advised regarding such actions as following too closely, moving too quickly through turns, failing to signal, failing to properly follow within a lane and the like. The driver, via the performance assessment, may also be advised of good practices, including following at proper distances, braking early in reaction to certain conditions, signal turns and lane changes, and the like. Thus, the driver is given feedback relative to individual performance relative to known good practices, past performance and/or habitual behaviors.

The Office action rejected claims 1, 3-22 and 24-39 as being anticipated by Kubota et al., US 6,249,720 ("Kubota"). Reconsideration and allowance is respectfully requested.

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Kubota is cited under 25 U.S.C. § 102(e). Applicants do not admit Kubota is prior art and reserves the right, should such become necessary, to appropriately swear behind the Kubota reference.

Kubota describes a system including an "agent" that facilitates communication of various vehicle operating information to the driver. The agent is adaptable to the driver, that is, the vehicle includes a memory that learns certain characteristics of the driver, and the agent is adjusted according to parameters to better relate to those driver characteristics. The agent may assist in various tasks such as controlling the HVAC, communications or entertainment systems, providing navigation prompts, and advising regarding operating conditions of the vehicle. What the agent does not do, and what is not taught or suggested by Kubota, is determine driver performance relative to known good practices, past performance and/or habitual behavior, generate a driver performance assessment based thereon and communicate the driver performance assessment to the driver for improving driver performance.

Regarding claim 1, the examiner alleges that lines col. 7, lines 40-56 of Kubota teach recording an operator performance assessment. Applicants disagree. This passage refers only to learning driver characteristics such that the agent may be adapted to act and respond in accordance with the driver characteristics. These characteristics may arguably relate to how the driver operates the vehicle, but they do not in turn become a performance assessment useable for improving driver performance. In fact, no such functionality is taught by Kubota. The same argument holds true for claim 31. The examiner's reliance on similar passages in Kubota to support the 102(e) rejection of the dependent claims is similarly misplaced. As such, applicants assert claims 1, 3-22 and 24-39 are not anticipated or rendered obvious by Kubota, and allowance is solicited.

For the reasons set forth above, applicants submit claims 2 and 23 are also allowable. While applicants do not address the teachings of either McMillan (US 5,797,134) or Lemelson (US 6,487,500), they reserve the right to do so if such becomes necessary in the future.

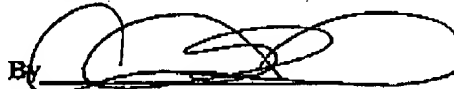
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In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: September 30, 2003

Respectfully submitted,



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